United Nations A/AC.109/2010/SR.10

General Assembly

Distr.: General
19 July 2010

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 10th meeting
Held at Headquarters, New York, on Friday, 25 June 2010, at 10 a.m.

Chairman: Mr. St. Aimee (Saint Lucia)

Contents

Adoption of the agenda

Question of the Falkland Islands (Malvinas)

Question of Tokelau

Hearing of representatives of the Non-Self-Governing Territory

Question of New Caledonia

Report of the Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism

Report of the Special Committee on decisions concerning organizational matters

Third International Decade for the Eradication of Colonialism

Commemoration of the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of sending visiting and special missions to Territories

Organization of work

This record is subject to correction. Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

10-42312 (E)

Please recycle

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas)

2. **Mr. Dos Santos** (Observer for Paraguay) said that his country's position on the legitimate rights of Argentina in the long-standing dispute regarding the Malvinas Islands was decisive and unchanging. The lack of genuine progress in the bilateral dialogue between Argentina and the United Kingdom was regrettable. Firm political will would be required in order to reach a satisfactory solution, which must take into account Argentina's historical claims to the islands in question.

3. In that context, it was appropriate to recall and reaffirm the 1999 Asunción Declaration and the 1996 Declaration of Potrero de los Funes, which called upon the parties to the dispute to resolve it peacefully and put an end to the colonial situation in the Malvinas, South Georgia and South Sandwich Islands. General Assembly resolution 2065 (XX) of 1965 was also relevant in that regard.

4. The idea that part four of the Treaty on the Functioning of the European Union and the European Union's overseas association decisions applied to the Malvinas, South Georgia and South Sandwich Islands was utterly incompatible with Argentina's historical and legitimate rights over those territories and failed to take the existence of a sovereignty dispute into account. Lastly, his delegation strongly supported the draft resolution on the subject (A/AC.109/2010/L.15) introduced at the Special Committee's preceding meeting.

5. **Mr. Gutierrez** (Observer for Peru) said that his country was firmly committed to United Nations efforts to eliminate colonialism. Despite progress in that direction, however, the case of the Malvinas remained outstanding. Peru recognized the sovereign rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich Islands, including the surrounding maritime areas.

6. Peru's position was based on historical, geographical and legal criteria. Argentina had inherited the Malvinas Islands upon obtaining its independence and had exercised its right of sovereignty from that time onward, until an act of force by a foreign Power had deprived it of the islands in 1833.

7. The case of the Malvinas Islands was a serious concern for the region. The Organization of American States (OAS) had said so repeatedly and its General Assembly had recently adopted a resolution on the matter, in which it had welcomed the reaffirmation by the Argentine Government of its will to continue exploring all possible avenues towards a peaceful settlement of the dispute and had reaffirmed the need for Argentina and the United Kingdom to resume negotiations. Peru had always believed that the issue could be settled only through negotiation; during the 1982 conflict, Fernando Belaunde Terry, President of Peru at the time, had made many proposals to promote dialogue and achieve peace.

8. **Mr. García González** (Observer for El Salvador) said that any solution to the question of the Malvinas Islands must respect Argentina's territorial integrity and the full exercise of its legitimate sovereignty. That position was based not only on solidarity, but also on principles rooted in international law and the geographical, legal and historical features of the archipelago. United Nations and OAS resolutions had repeatedly affirmed Argentina's right to those islands.

9. The arguments put forth by the occupying Power represented a unilateral interpretation of the situation which did not reflect the fact that the issue was one of sovereignty. That had in fact been recognized by the colonial Power in General Assembly resolution 2065 (XX), which had been adopted unanimously.

10. The occupation, which arisen from a geopolitical decision dating back to 1833, was an anachronism in the modern world. His delegation called on the colonial Power to honour its moral and political obligation to resume negotiations with Argentina to find a just, peaceful and definitive solution to the dispute as soon as possible.

11. **Mr. Aisi** (Papua New Guinea) said that his country enjoyed warm and cordial relations with both Argentina and the United Kingdom and encouraged the resumption of bilateral negotiations on the question of the Falkland Islands (Malvinas). At the same time, the interests of all parties should be properly and fairly considered.

Question of Tokelau (A/AC.109/2010/3; A/AC.109/2010/L.16)

12. **The Chairman** drew attention to a working paper on Tokelau prepared by the secretariat (A/AC.109/2010/3).

Hearing of representatives of the Non-Self-Governing Territory

13. *At the invitation of the Chairman, Mr. Nasau (Ulu-o-Tokelau) took a place at the Committee table.*

14. **Mr. Nasau** (Ulu-o-Tokelau), titular head of the Territory, said that closer cooperation was needed between administering authorities and Territories for a strong and sustainable decolonization process. Tokelau had adopted a National Strategic Plan 2010-2015, the theme of which was "Healthy and active communities with opportunities for all".

15. The General Assembly, by its resolution 64/103, had noted that Tokelau and New Zealand remained firmly committed to the development of Tokelau and that New Zealand recognized the right of the people of Tokelau to undertake the act of self-determination when they considered that to be appropriate. The time had come for Tokelau to achieve self-determination, notwithstanding the substantial autonomy it already had in the management of its affairs.

16. The budget of Tokelau was funded primarily by the Government of New Zealand. The current economic support arrangement with the Government of New Zealand would end on 30 June 2010, and a further support package was currently under consideration.

17. Discussions in Tokelau's General Fono had focused on infrastructure needs in the areas of shipping, construction of new schools and a hospital and renewable energy. Tokelau had pressing needs in the area of shipping. In May, Tokelau had been advised that its sole vessel, the *MV Tokelau*, could accommodate no more than 12 passengers. That situation was frustrating and had resulted in the need to engage costly charters with other vessels. Short- and long-term solutions were being sought jointly with New Zealand.

18. The worldwide economic difficulties had had an impact on the delivery of services to Tokelau by New Zealand. Tokelau and New Zealand were working closely together to ensure the maintenance of support in key areas such as transport, health and education. Work was under way at the village level to improve the education and health systems. In particular, efforts were being made to prepare young people to deal with challenges relating to climate change and rising sea levels, as well as lifestyle-related problems such as drug and alcohol use and non-communicable diseases.

19. Fisheries would be the main area for economic development. Tourism was also being explored. The General Fono had passed laws on the establishment of a Tokelau Development Bank. There was also a Tokelau International Trust Fund designed to provide intergenerational security. Work was under way to develop an appropriate governance structure for the time when Tokelau decided to revisit the issue of self-determination.

20. **Ms. Hernández Toledano** (Cuba) asked the representative of Tokelau whether the population was gaining a greater understanding of the options before it with regard to self-determination, what activities had been carried out to increase awareness, what impact such activities had had and what the views of the people were.

21. **Ms. Williams** (Grenada) said that the challenges described by the representative of Tokelau were faced by other small island States as well. Speaking on behalf of the Group of Small Island Developing States, she expressed those States' solidarity with Tokelau and wished it success in addressing its transport, economic, education, health and energy issues.

22. **Mr. Aisi** (Papua New Guinea) asked whether a date had been set for the resolution of the shipping issue and construction of a new vessel. The question had been raised repeatedly in various forums.

23. **Mr. Payton** (New Zealand) said that a bidding process for short-term use of an existing ship that might require minor adaptations would close in mid-July 2010. That ship would be ready for use before the end of the year, and was expected to be in use for two to five years. During that time, work would continue on longer-term solutions, including a possible air link.

24. **Mr. Nasau** (Ulu-o-Tokelau) said that there was a Constitutional Committee which dealt with issues of self-determination. The majority of the leaders of Tokelau wanted to organize another referendum. Such a step would occur as part of an agreement between New Zealand and Tokelau. Ultimately, however, the

decision as to when that would happen would be Tokelau's to make.

25. **The Chairman** said that it might be helpful for the authorities of Tokelau, with the assistance of New Zealand, to approach the International Maritime Organization in connection with the sea transport issues it was facing.

26. *Mr. Nasau withdrew.*

27. **Mr. Payton** (New Zealand) said that his country remained committed to working with the Special Committee to ensure the provision of timely, accurate information about Tokelau. At a time of challenges for the international community, it was essential that the needs of the very smallest communities should be known and discussed.

28. The past year had seen little attention given to the issue of decolonization. In February 2008, after the second self-determination referendum, Tokelau and New Zealand leaders had committed to allowing an "appreciable period of time" to pass before undertaking further acts related to self-determination. Both parties had agreed to focus on addressing the needs of the atoll populations.

29. Work was beginning on schools for two of the atolls and a health centre on the third. The feasibility of a substantial shift by Tokelau from diesel-based generation of electricity to a solar-powered system was being studied. The cost of such a move must be confronted realistically.

30. In matters of decolonization, one size did not fit all. Tokelau, extremely small and isolated, was a 30-hour boat ride from Samoa, its nearest sizeable neighbour. A way must be found for Tokelau to function in the modern world and for it to receive resources.

31. Usually, funding was provided to Tokelau in three-year allocations. However, due to uncertainties and the major decisions to be made on shipping and renewable energy, it had been decided to arrange an interim one-year allocation, to be followed by another three-year package. While New Zealand would continue to be generous in its funding of Tokelau, the coming year would bring hard decisions and some sacrifice. Decolonization was a factor, but only a small one, in striking the right balance within that relationship for the well-being of the people of Tokelau.

Draft resolution A/AC.109/2010/L.16, Question of Tokelau

32. **Mr. Aisi** (Papua New Guinea), introducing the draft resolution on behalf of his country and Fiji, said that the text contained technical updates to General Assembly resolution 64/103, adopted in December 2009.

33. **Mr. Thomson** (Fiji) noted the addition of paragraph 8, which acknowledged the adoption by Tokelau of its National Strategic Plan for 2010-2015.

34. *Draft resolution A/AC.109/2010/L.16 was adopted.*

Question of New Caledonia (A/AC.109/2010/L.9)

Draft resolution A/AC.109/2010/L.9, Question of New Caledonia

35. **Mr. Thomson** (Fiji), introducing the draft resolution on behalf of his country and Papua New Guinea, said that the text highlighted the modest progress made on the question of New Caledonia since the adoption of the previous year's resolution on the subject.

36. Drawing the Special Committee's attention to updates in the text, he noted the references to New Caledonia's participation in the 40th Summit of the Pacific Islands Forum and to the successful conclusion of the Pacific regional seminar of the Special Committee, held in Nouméa, New Caledonia, in May 2010.

37. The Melanesian Spearhead Group, comprising representatives of a number of Pacific islands, had undertaken a ministerial mission to New Caledonia in June 2010 at the request of the Front de libération national kanak socialiste (FLNKS). Its purpose had been to assess progress in the implementation of the Nouméa Accord and to determine how the Group could assist with those efforts. The Group had expressed concern at the slow implementation of the Accord and had noted that much needed to be done, at the political level and in the area of capacity-building, to prepare for that process.

38. Representatives of FLNKS were currently in Paris to discuss implementation of the Accord. Close cooperation with France was essential for progress in decolonization.

39. **Mr. Aisi** (Papua New Guinea) said that full implementation of the Nouméa Accord by all parties involved was a precondition for the success of the self-determination process. By 2018, the people of New Caledonia would have held a referendum on future status, but much remained to be done before then. The statement made by the representative of FLNKS earlier in the week calling for technical and management skills training, capacity-building and development had the support of his delegation, as did the request for legal assistance from the Special Committee for the development of a constitution.

40. The positive measures taken by the administering Power, France, to promote development were to be commended.

41. *Draft resolution A/AC.109/2010/L.9 was adopted.*

Report of the Pacific regional seminar on the implementation of the Second International Decade for the Eradication Of Colonialism

42. **The Chairman** said he took it that the Special Committee wished to adopt the draft report of the Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism and annex it to the report of the Special Committee to the General Assembly at its sixty-fifth session.

43. *It was so decided.*

Report of the Special Committee on decisions concerning organizational matters (A/AC.109/2010/L.14)

44. **The Chairman** said he took it that the Special Committee wished to adopt the draft report on decisions concerning organizational matters (A/AC.109/2010/L.14).

45. *It was so decided.*

Third International Decade for the Eradication of Colonialism (A/AC.109/2010/L.18)

Draft resolution A/AC.109/2010/L.18: Third International Decade for the Eradication of Colonialism

46. *Draft resolution A/AC.109/2010/L.18 was adopted.*

Commemoration of the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2010/L.19)

Draft decision A/AC.109/2010/L.19: Commemoration of the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples

47. *Draft decision A/AC.109/2010/L.19 was adopted.*

48. **The Chairman** said that the Rapporteur would submit a report containing the draft decision to the General Assembly without delay, thereby ensuring that there would be adequate time to prepare for the commemorative meeting.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2010/L.11)

Draft resolution A/AC.109/2010/L.11: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued)

49. **The Chairman** suggested that the following addition should be made at the end of paragraph 7 (d) of the draft resolution: "... following the end of the plan of action of the Second International Decade for the Eradication of Colonialism; such an exercise could lead to the development of a set of indicators or benchmarks that can be applied in the assessment of progress made by the Non-Self-Governing Territories towards self-determination and eradication of colonialism".

50. Speaking as the representative of Saint Lucia, he reminded the Special Committee that the Pacific regional seminar, in its report, had called upon it to make a better assessment of the current stage of decolonization in each Non-Self-Governing Territory, and to undertake a stocktaking of current challenges and draw up a pragmatic plan of action for the Third Decade. The proposed revision to paragraph 7 (d) was intended to provide greater focus in that regard.

51. **Ms. Eloeva** (Russian Federation) said that her delegation could not agree to the proposed revision. It would mean development of a set of general indicators, whereas each situation must be considered on a case-by-case basis. In addition, it might result in greater expenditure. Her delegation preferred the original draft.

52. **Mr. Taleb** (Syrian Arab Republic) noted that General Assembly resolution 1514 (XV) guided the work of the Special Committee on the basis of self-determination and territorial integrity. Under the proposed revision, however, assessments would be made on the basis of a unilateral initiative; that was unacceptable.

53. **Ms. Hernández Toledano** (Cuba) said that adoption of draft resolutions by consensus was a strength of the Special Committee. It was clear that delegations had difficulty with the proposed revision, given which the original drafting should be retained.

54. **The Chairman**, speaking as the representative of Saint Lucia, said that paragraph 7 (d) called for action by the Special Committee, and any action would have financial implications. It was ridiculous to include a paragraph calling upon the Special Committee to take action and then to object to the financial implications. The Special Committee had also stated its intent to develop a programme of work for the Third Decade; it might be appropriate to revert to a programme of work for the Non-Self-Governing Territories in that context.

55. It was clear that a consensus was forming for retention of the original text of draft resolution A/AC.109/2010/L.11. However, he appealed to members to consider the need for the Special Committee to be consistent if it was to gain credibility.

56. **Mr. Hermida Castillo** (Nicaragua) agreed that consensus was very important; the Special Committee should revert to the original text. The suggestion made by the Chairman could be considered in due course in informal consultations.

57. **Ms. Anzola** (Bolivarian Republic of Venezuela) said that her delegation could not accept the proposed revision. Before new language could be considered there would be a need for further clarification.

58. **Mr. Tagle** (Chile) said that while the Chairman's proposals could provide a useful basis for future discussion, the original wording of paragraph 7 (d) should be retained in the interest of consensus.

59. **Ms. Lalama** (Ecuador) agreed that the original drafting should be retained.

60. **Mr. Loayza Barea** (Plurinational State of Bolivia) said that the Chairman's proposals were imaginative and challenging in terms of implementing resolution 1514 (XV), but that draft resolution A/AC.109/2010/L.11 should be adopted as originally drafted.

61. **Mr. Aisi** (Papua New Guinea) said that the real issue was that the Special Committee must find a new and different way of conducting business. It must be more effective than it had been. His delegation could accept adoption of the original draft resolution, but the question remained of what the Special Committee would then do.

62. **The Chairman**, speaking as the representative of Saint Lucia, said that the Special Committee must have a programme of work; his delegation would prepare a programme for consideration. However, the current meeting was the last formal meeting scheduled for 2010, which meant that any proposals must be discussed informally, and that no formal action would be possible before 2011.

63. Speaking as Chairman, he said that it was clear that the proposed revision had not generated a consensus, and that he would withdraw it. He invited the Special Committee to take action on the draft resolution as originally worded.

64. *Draft resolution A/AC.109/2010/L.11 was adopted.*

65. **The Chairman**, speaking as the representative of Saint Lucia, said that his delegation had joined the consensus on the understanding that the proposals put forward would be considered at some point in the future.

Question of sending visiting and special missions to Territories (A/AC.109/2010/L.7)

Draft resolution A/AC.109/2010/L.7, Question of sending visiting and special missions to Territories (continued)

66. **The Chairman** drew attention to proposed revisions to the seventh, eighth and ninth preambular paragraphs, previously circulated to members.

67. **Mr. Saripudin** (Indonesia) said that his delegation could accept the proposed revisions.

68. **Ms. Anzola** (Bolivarian Republic of Venezuela) proposed the addition, at the end of the proposed revised ninth preambular paragraph, of the words "in accordance with the relevant resolutions of the United Nations on decolonization".

69. **The Chairman** said that the Special Committee would suspend its formal meeting to consider the proposed revisions and amendment.

The meeting was suspended at 12.25 p.m. and resumed at 1 p.m.

70. **The Chairman** said that the proposed revisions and amendment had not met with consensus, and that he wished to suggest a new seventh preambular paragraph, reading:

> "*Recalling* the importance of the previously expressed desire of the territorial Governments of American Samoa and of Anguilla for a visiting mission by the Special Committee."

71. *Draft resolution A/AC.109/2010/L.7, as orally revised, was adopted.*

72. **The Chairman** said that he would make every effort to engage administering Powers in furtherance of the Special Committee's mandate and to send visiting missions in order to gather accurate information on the Non-Self-Governing Territories. If the Special Committee wished to improve its image, it must, at the very least, deal with the two requests which had been pending for a considerable period. It would then be in a position to arrange other visiting missions.

Organization of work

73. **The Chairman** said he took it that in order to facilitate the timely submission of the report of the Special Committee to the General Assembly at its sixty-fifth session the Special Committee wished to authorize the Rapporteur to submit the report directly to the Assembly.

74. *It was so decided.*

The meeting rose at 1.10 p.m.